

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SHANE LEE DIXON, #1946623,

Petitioner,

v.

SCOTT WISCH AND,
THOMAS A. WILDER,

Respondents.

§
§
§
§
§
§
§
§

Civil Action No. **3:15-CV-2027-L**

ORDER

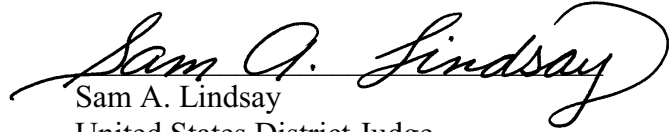
This case was referred for screening to Magistrate Judge Renée Harris Toliver, who entered Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) on July 14, 2015, recommending that the court deny Petitioner Shane Lee Dixon’s Petition for Writ of Mandamus and dismiss with prejudice this action as frivolous pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b). No objections to the Report were received as of the date of this order.

After reviewing the pleadings, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **denies** the Petition for Writ of Mandamus (Doc. 3) and **dismisses with prejudice** this action as frivolous pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b).

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. 24(a)(3). In support of this certification, the court **accepts and incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). The court concludes that any appeal of this action would present no legal point of arguable merit and would therefore be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir.

1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with clerk of the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; F. R. App. 24(a)(5).

It is so ordered this 22nd day of September, 2015.


Sam A. Lindsay
United States District Judge